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Attorneys for Petitioner Eliot Scott Grizzle

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELIOT SCOTT GRIZZLE,

Petitioner,

v.

ROBERT HOREL,

Respondent.

Case No. C 07-4845 SI

**NOTICE OF MOTION AND  
MOTION TO ALLOW FILING  
OF OVERSIZED BRIEF AND  
TO ALLOW LATE FILING OF  
EXHIBITS**

PLEASE TAKE NOTICE that petitioner, Eliot Scott Grizzle, will ask the Court to enter an order granting the motion listed below.

**MOTION**

Petitioner, Eliot Scott Grizzle, pursuant to the United States Constitution, and all other applicable statutes, case law and rules, hereby moves the Court for an order allowing him to file an oversized brief and allowing him to file his exhibits late.

This motion is based upon the instant motion and notice of motion, the attached statement of facts and memorandum of points and authorities, and any and all other materials that may come to the Court's attention at the time of the hearing on this motion.

Respectfully submitted,

Dated: January 15, 2008  
*s/Benjamin L. Coleman, Ethan A. Balogh*  
COLEMAN & BALOGH LLP  
BENJAMIN L. COLEMAN  
ETHAN A. BALOGH

Attorneys for Mr. Grizzle

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**STATEMENT OF FACTS AND  
 MEMORANDUM OF POINTS  
 AND AUTHORITIES IN SUPPORT  
 OF PETITIONER'S MOTION**

Petitioner, Eliot Scott Grizzle, seeks leave to file a 38-page memorandum of points and authorities in support of his petition for a writ of habeas corpus. The memorandum address five claims for relief. Some of the claims involve intricate factual and procedural histories, and others require extended legal analysis. Given the number of claims for relief, and given the complicated factual and procedural history of Mr. Grizzle's state court proceedings, he submits that a brief in excess of the 25-page limit is appropriate.

Mr. Grizzle also seeks leave to file his exhibits late. Counsel for Mr. Grizzle has compiled hundreds of pages of exhibits from the state court record and a disc containing a one-hour interview of one of the central witnesses in the case. Unfortunately, defense counsel has had difficulty formatting the exhibits so that they can be e-filed in a comprehensible format. Counsel requests that he be allowed to file the exhibits by the end of the week, January 18, 2008.

Respectfully submitted,

*s/Benjamin L. Coleman, Ethan A. Balogh*  
COLEMAN & BALOGH LLP  
BENJAMIN L. COLEMAN  
ETHAN A. BALOGH  
Attorneys for Mr. Grizzle

Dated: January 15, 2008

**PROOF OF SERVICE**

I, the undersigned, say:

1) That I am over eighteen years of age, a resident of the County of San Diego, State of California, and not a party in the within action;

2) That my business address is 1350 Columbia Street, Suite 600, San Diego, California, 92101;

3) That on January 15, 2008, I served a copy of the attached Motion on counsel for respondent by e-mailing a copy to [Jill.Thayer@doj.ca.gov](mailto:Jill.Thayer@doj.ca.gov). A hard copy is also being forwarded via U.S. Mail to Jill M. Thayer, Deputy Attorney General, 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

I certify under penalty of perjury that the foregoing is true and correct. Executed on January 15, 2008, at San Diego, California.

*s/Benjamin L. Coleman*  
BENJAMIN L. COLEMAN